UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE: Acetaminophen – ASD-ADHD Products Liability Litigation

Docket No. 22-md-3043 (DLC)

This Document Relates To: Rosann Ferrante as Mother and Natural Guardian of V.F., an infant, and Rosann Ferrante, Individually

SHORT FORM COMPLAINT

L FILING OF SHORT FORM COMPLAINT

designate(s) the United Eastern District of New York	States	District Plaintiff(s)'	Court fo
▼ The APAP product(s) Plaintiff-	Mother took	while pregna	
Plaintiff-minor was born in (state).			(city
At least Defendant		is	a resident of th
district and all defendants are re- located.	esidents of th	e State in whi	ch that district
	Eastern District of New York Venue"), as this case may have original ✓ The APAP product(s) Plaintiff- Minor were purchased and/or use NY (state). ☐ Plaintiff-minor was born in	Venue"), as this case may have originally been filed The APAP product(s) Plaintiff-Mother took Minor were purchased and/or used in Garden Control NY (state). Plaintiff-minor was born in (state). A substantial part of other events or omissions there, to wit:	Eastern District of New York Venue"), as this case may have originally been filed there because: The APAP product(s) Plaintiff-Mother took while pregnate Minor were purchased and/or used in Garden City NY (state). Plaintiff-minor was born in

Transfer Orde	er No by the Judicial Panel on Multidistrict Litigation.
П. PLAI	NTIFF(S) INFORMATION
Plaint	ff(s) are the following individuals (check all boxes which apply and fill out all
information f	or selected Plaintiff(s)):
✓ Plainti	ff-Mother (name): Rosann Ferrante
	State of Residence: NY
	State of Citizenship: NY
	Filing Capacity:
	✓ As Guardian, on behalf of Plaintiff Child
	✓ Individually
Plaint	ff Child #1 (full name, or initials if Plaintiff Child is currently a minor):
	State of Residence: NY
	State of Citizenship: NY
	Year of Birth (yyyy): 2018
	Injury:
	✓ Autism Spectrum Disorder
	Attention-Deficit/Hyperactivity Disorder
Plaint	ff Child #2 (full name, or initials if Plaintiff Child is currently a minor):
	State of Residence:
•	State of Citizenship:

Year of Birth (yyyy):
• Injury:
Autism Spectrum Disorder
Attention-Deficit/Hyperactivity Disorder
Other Plaintiff(s):
 Capacity to assert claim(s) (e.g., other parent, guardian, conservator, administrator,
executor):
State of Residence:
State of Citizenship:
In the rare instance that Plaintiff(s) include additional Plaintiff(s) who are immediate family members or who solely assert derivative claims, but are not otherwise listed above due to space constraints, please check here and list the additional Plaintiff's name, capacity to assert claims, state of residence, state of citizenship, and pertinent factual and legal claims on a Short Form Complaint Addendum.
See attached
In the rare instance that Plaintiff(s) seek(s) to include additional Plaintiff-Children, please check here and list the additional name (or initials, if the Plaintiff Child is currently a minor), state of residence, state of citizenship, year of birth, and injury on a Short Form Complaint Addendum.
See attached
III. INCORPORATION OF MASTER COMPLAINT(S)
Plaintiff(s) incorporate by reference the allegations contained in the below indicated Master
Long Form Complaint(s) and Jury Demand(s) filed in In Re: Acetaminophen - ASD-ADHD
Products Liability Litigation, MDL No. 3043, on December 16, 2022:
✓ The Master Long Form Complaint and Jury Demand Against Johnson & Johnson
Consumer Inc. (DE 276).

Note: Plaintiffs incorporating this Master Complaint must complete Section

				in odd	die Come	Car of talls on the	37.148	20				
			IV.A	m add	ition to	the above	sectio	ns.				
	✓	The	Master	Long	Form	Complain	nt and	Jury	Demand	d Again	st the	Retailer
		Defe	endants (DE 27	7).							
		10	Note:	Plaint	iffs inc	orporating	this M	laster (Complain	t must co	mplet	e Section
			IV.B	in add	ition to	the above	sectio	ns.				
IV.	DEF	ENDA	NT(S)									
	A.	Man	ufacture	r Defe	ndani							
		Trian	aractare	Derei	Idum							
		1.	Plain	tiff(s)	allege	claims ag	ainst	the N	lanufactu	rer Defe	endant	selected
belov	w:											
	172	100.01	& John			Total						
	✓ J	onnsor	C SOIL	nson C	onsun	ier inc.						
	✓ J		tiff Chil		onsun	ier inc.						
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	√ J ₀	Plair	tiff Chil	d #1: son & J Plaintif	Johnson f Child enol Re Dat	n Consumo l #1: egular®	other t	took <u>I</u>	ylenol R	egular®	while	10 5 722
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IV.

		✓ Other:	Walgreens	Pain Reliever, A	cetaminophen, 500	mg
		-			k Other Product yyyy to mm/yyy	while pregnant with y):
			Oct	2017	to Oct	2018
	Plair	ntiff Child #2 (if	more than	one Plaintiff (Child):	-
		Johnson & Jowith Plaintiff	and the second second second second	sumer Inc. Pr	oduct(s) Mother	took while pregnant
		Tylend		ge Mother too	ok <u>Tylenol Regu</u> (mm/yyyy to mr	<u>lar®</u> while pregnant n/yyyy):
					to	
		Tylend		ge Mother to		ra Strength® while yyy to mm/yyyy):
		Tylend	Date ran	ge Mother to while pregna		tra Strength Rapid Child #2 (mm/yyyy
					to	
		Other			Lad wat	
			the second secon	the same time. The contract was a series of the contract of th	k Other Product yyyy to mm/yyy	while pregnant with y):
					to	
E C	2.					nce the Master Long
Form Con	ipiaint ar	ia Jury Demand I	Against Joi	inson & Johns	son Consumer In	c. as if fully set forth
herein.						

3. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc.* are herein adopted by Plaintiff-Mother in her own right (*i.e.* not covered by claims asserted on behalf of Plaintiff Child(ren), Plaintiff Child(ren), and/or Plaintiff-Other (check all applicable boxes below)):

Plaintiff- Mother	Plaintiff Child #1	Plaintiff Child #2 (if more than one Plaintiff Child)	Plaintiff-Other	Claim/Allegation
V				Count I: Strict Liability for Failure to Warn
✓	V			Count II: Strict Liability for Design Defect Due to Inadequate Warnings and Precautions
✓	V			Count III: Negligence
✓	V			Count IV: Negligent Misrepresentation
				Count V: Strict Liability Misrepresentation Under § 402B of the Restatement (Second) of Torts (Limited to Arizona, California, Colorado, Illinois, Kansas, Maryland, Nebraska, New Mexico, Oregon, Pennsylvania, Tennessee, Texas, Wyoming)
				Count VI: Violation of Consumer Protection Laws
V	V			Count VII: Breach of Implied Warranty

4. In checking the box(es) above for which misrepresentation is an element, Plaintiff(s) adopt(s) and incorporate(s) the allegations made in the *Master Long Form Complaint*

and Jury Demand Against Johnson	& Johnson Consumer Inc	c. Any additional Plaintiff(s)-specific
allegations as to the alleged misrep	resentation must be set fo	orth here:

- 5. In checking the box(es) above concerning Count VI: Violation of Consumer Protection Laws, Plaintiff(s) adopt(s) and incorporate(s) allegations made in the Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc. and alleges violation of the following Consumer Protection Laws from the State(s) of
- 6. The following claims and allegations asserted are not included in the Master Long Form Complaint and Jury Demand Against Johnson & Johnson Consumer Inc. and are herein added to Plaintiffs' Short Form Complaint. (Please state additional claims and the factual and legal basis for them below or on a separate sheet if more space is needed.):

B.	Retailer	Defendant	(0)	1.
LJ.	1 totaliol	Louding		,,

1. Pla	aintiff(s) allege claims against the Retailer Defendants selected below.
By checking a box again	nst a Retailer Defendant, Plaintiff(s) allege their claims arise out of the
acetaminophen store bra	nds identified in the Master Long Form Complaint and Jury Demand
Against Retailer Defenda	unts or otherwise specify additional products below:
7-Eleven, Inc	
 Plaintiff C 	Child #1:
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff C	Shild #2 (if more than one Plaintiff Child):
	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):

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Demand Against Retailer Defendants:

Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the Master Long Form Complaint and Jury

Big Lots, In	e.
 Plaintiff 	Child #1:
	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff (Child #2 (if more than one Plaintiff Child):
l I he	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:

	Child #1:
	 Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff	Child #2 (if more than one Plaintiff Child):
	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):

• P	laintiff C	Child #1:				
	•			ok Store Brand yy to mm/yyyy)	Product(s) while pregnan	t with
		Oct	2017	to Jul	2018	
	0.	Location	(s) where purc	hased (City, Sta	te):	
		Garden Ci	ity, New York			
	÷	#1 if no	ot identified in		nile pregnant with Plaintiff ong Form Complaint and	
• Pl	laintiff C			Plaintiff Child)		t
■ Pl	laintiff C	Date ran	ge Mother too		Product(s) while pregnan	t
• Pl	laintiff C	Date ran	ge Mother too	k Store Brand	Product(s) while pregnan	t
• Pl	aintiff C	Date ran with Plai	ge Mother too intiff Child #2	ok Store Brand (mm/yyyy to m	Product(s) while pregnan m/yyyy):	t

	laintiff Chil	d #1:
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	_	to
	• 1	ocation(s) where purchased (City, State):
	#	tore Brand Product(s) Mother took while pregnant with Plaintiff Child 1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
• PI		d #2 (if more than one Plaintiff Child):
	Pl	ate range Mother took Store Brand Product(s) while pregnant with laintiff Child #2 (mm/yyyy to mm/yyyy);
	Pl	laintiff Child #2 (mm/yyyy to mm/yyyy);
	Pl	laintiff Child #2 (mm/yyyy to mm/yyyy):

 Plaint 	iff Child #1:
	 Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
	 Location(s) where purchased (City, State):
	 Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
■ Plaint	iff Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
■ Plaint	 Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
■ Plaint	 Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):

Child #1:
Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
to
Location(s) where purchased (City, State):
Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
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 Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
f Child #2 (if more than one Plaintiff Child):
1 Clind #2 (If more than one Plaintiff Clind):
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Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):

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•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
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Plaintiff	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
Plaintiff	Date range Mother took Store Brand Product(s) while pregnant with
Plaintiff	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):

	Child #1:
	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
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Child #1:
Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
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Location(s) where purchased (City, State):
Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with
Plaintiff Child #2 (mm/yyyy to mm/yyyy):
Location(s) where purchased (City, State):

Plaintiff (Child #1:
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
•	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff C	Thild #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:

intiff Ch	ild #1:					
•	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):					
71	Oct	2017	to Jul	2018		
			hased (City, Star	te):		
7	#1 if not	identified in	the Master Lo			
• 1	Date rang	ge Mother too	k Store Brand I	Product(s) while pregnant w	ith	
			to			
• 1	Location(s) where purcl	hased (City, Stat	e):		
		nd Product(s)	Mother took whi	le pregnant with Plaintiff Ch	:14	
	ntiff Chi	Plaintiff C Oct Location(Garden Cir Store Bra #1 if not Demand 2 ntiff Child #2 (if i	Plaintiff Child #1 (mm/Oct 2017 Location(s) where pure Garden City, New York Store Brand Product(s) #1 if not identified in Demand Against Retail ntiff Child #2 (if more than one Date range Mother too Plaintiff Child #2 (mm/S)	Plaintiff Child #1 (mm/yyyy to mm/yyy Oct 2017 to Jul Location(s) where purchased (City, State Garden City, New York Store Brand Product(s) Mother took whe #1 if not identified in the Master Location Demand Against Retailer Defendants: ntiff Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand If Plaintiff Child #2 (mm/yyyy to mm/yyy) to	Plaintiff Child #1 (mm/yyyy to mm/yyyy): Oct 2017 to Jul 2018 Location(s) where purchased (City, State): Garden City, New York Store Brand Product(s) Mother took while pregnant with Plaintiff Child if not identified in the Master Long Form Complaint and June Demand Against Retailer Defendants: Intiff Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant we Plaintiff Child #2 (mm/yyyy to mm/yyyy):	

 Plaintiff 	Child #1:
	Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #1 (mm/yyyy to mm/yyyy):
	to
	Location(s) where purchased (City, State):
	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #1 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
Plaintiff	Child #2 (if more than one Plaintiff Child): Date range Mother took Store Brand Product(s) while pregnant with Plaintiff Child #2 (mm/yyyy to mm/yyyy):
	to
•	Location(s) where purchased (City, State):
	Store Brand Product(s) Mother took while pregnant with Plaintiff Child #2 if not identified in the Master Long Form Complaint and Jury Demand Against Retailer Defendants:
	#2 if not identified in the Master Long Form Complaint and

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ě	Plaintiff Child #1:	
	 Store Brand Product(s) Mother took while pregnant with Pla #1: 	intiff Chik
	Date range Mother took Store Brand Product(s) while pre Plaintiff Child #1 (mm/yyyy to mm/yyyy):	gnant with
	to	
	Location(s) where purchased (City, State):	
	Plaintiff Child #2 (if more than one Plaintiff Child):	
3	Plaintiff Child #2 (if more than one Plaintiff Child): Store Brand Product(s) Mother took while pregnant with Plai #2:	ntiff Child
	 Store Brand Product(s) Mother took while pregnant with Plai 	
	 Store Brand Product(s) Mother took while pregnant with Plai #2: Date range Mother took Store Brand Product(s) while pregnant with Plai 	
	 Store Brand Product(s) Mother took while pregnant with Plai #2: Date range Mother took Store Brand Product(s) while preg Plaintiff Child #2 (mm/yyyy to mm/yyyy): 	

Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the Master Long
 Form Complaint and Jury Demand Against Retailer Defendants as if fully set forth herein.

3. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand Against Retailer Defendants* are herein adopted by Plaintiff-Mother in her own right (i.e. not covered by claims asserted on behalf of Plaintiff Child(ren)), Plaintiff Child(ren), and/or Plaintiff-Other (check all applicable boxes below):

Plaintiff- Mother	Plaintiff Child #1	Plaintiff Child #2 (if more than one Plaintiff Child)	Plaintiff- Other	Claim/Allegation
\checkmark	V			Count I: Strict Liability for Failure to Warn
√	V			Count II: Strict Liability for Design Defect Due to Inadequate Warnings and Precautions
✓	V			Count III: Negligence
✓	V			Count IV: Negligent Misrepresentation
				Count V: Strict Liability Misrepresentation Under § 402B of the Restatement (Second) of Torts (Limited to: Arizona, California, Colorado, Illinois, Kansas, Maryland, Nebraska, New Mexico, Oregon, Pennsylvania, Tennessee, Texas, Wyoming)
V	V			Count VI: Violation of Consumer Protection Laws
\checkmark	✓			Count VII: Breach of Implied Warranty
\checkmark	V			Count VIII: Liability as Apparent Manufacturer

4. In checking the boxes above for which misrepresentation is an element, Plaintiff(s) adopt(s) and incorporate(s) the allegations made in the Master Long Form Complaint and Jury Demand Against Retailer Defendants. Any additional Plaintiff(s)-specific allegations as to the alleged misrepresentation must be set forth here:

5. In checking the box(es) above concerning Count VI: Violation of Consumer Protection Laws, Plaintiff(s) adopt(s) and incorporate(s) allegations made in the Master Long Form Complaint and Jury Demand Against Retailer Defendants and alleges violation of the following Consumer Protection Laws from the State(s) of

6. The following claims and allegations asserted are not included in the *Master Long Form Complaint and Jury Demand Against Retailer Defendants* and are herein added to Plaintiffs' Short Form Complaint (Please state additional claims and the factual and legal basis for them below or on a separate sheet if more space is needed):

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the Master Long Form Complaint(s) and Jury Demand(s) filed in *In Re: Acetaminophen – ASD-ADHD Products Liability Litigation*, MDL No. 3043 (S.D.N.Y.), on December 16, 2022.

	/s/ / V
	Attorney Name: Jay J. Massaro, Esq.
	Attorney Firm: DELL & DEAN, PLLC
	Attorney Address Line 1:
	1225 Franklin Avenue, Suite 450
	Attorney Address Line 2:
	Garden City, New York 11530
	Telephone: (516) 880-9700
	Fax:
	Attorney Email:
	Counsel for Plaintiff(s):